

Derek Smith Law Group, PLLC

Employment Lawyers Representing Employees Exclusively

VIA ECF

Hon. Judge Jesse M. Furman
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: **Jane Doe v. Steven Kogut**
Civil Action No.: 15-CV-7726

Dear Judge Furman:

Please be advised that we represent the Plaintiff in the above action.

We have tried on numerous occasions to effectuate service on the Defendant Steven Kogut. Unfortunately, we have been unsuccessful. Please see attached Affidavits of Attempted Service. Defendant Steven Kogut, is represented by Andrew T. Miltenberg, Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, New York, NY 10001. Their office has contacted us to advise us that they represent Mr. Kogut, but that they refuse to accept service for their client. We respectfully request permission to serve Mr. Kogut's attorneys with the Summons and Complaint. FRCP 4(e) states in relevant part that a summons and complaint may be served "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." New York CPLR 308 states that service may be may "in such manner as the court, upon motion without notice, directs, if service is impracticable under paragraphs one, two and four of this section."

Additionally, an Initial Conference is set for December 16, 2015 in Courtroom 1105, 40 Foley Square, New York, New York 10007. We respectfully request an adjournment of the 12/16/2015 Initial Conference until Defendant can be served and an Answer filed.

Thank you for the Court's attention this matter.

Respectfully submitted,

DEREK SMITH LAW GROUP PLLC



Derek T. Smith

cc: Andrew T. Miltenberg, Nesenoff & Miltenberg, LLP, 363 Seventh Avenue, New York, NY 10001